

Expedited Procedure Under 37 CFR §1.116

Application No. 10/049,733

Paper Dated: January 9, 2007

In Reply to USPTO Correspondence of October 10, 2006

Attorney Docket No. 0388-020198

AMENDMENT TO THE DRAWINGS

Enclosed are 11 sheets of formal drawings having Figs. 1-11 to replace the 11 sheets of drawings having Figs. 1-11 presently in the above-identified application.

REMARKS

Applicants thank Examiner Mohandesi for the courtesies extended to the undersigned during the telephone interview of October 4, 2006. A summary of the telephone interview is found in the Interview Summary mailed October 13, 2006, and is further supplemented in the following discussion.

The Office Action advises Applicants that formal drawings in compliance with 37 CFR §1.12(d) are required in the application. Enclosed herewith are 11 sheets of formal drawings having Figs. 1-11 to replace the 11 sheets of drawings having Figs. 1-11 presently in the application. Based on the forgoing, Applicants respectfully request the withdraw of the requirement for formal drawings in compliance with 37 CFR §1.12(d).

Claims 3-5 and 17-24 are in the instant application. The Office Action states that Applicants' response filed June 2, 2006, with respect to the rejection(s) of claims 3-5 and 17-24, have been fully considered and are persuasive, and that the rejections under 35 U.S.C. §§102 and 103 have been withdrawn.

Claims 3-5 and 17-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-22 and 24-30 of co-pending Application No. 10/493,877. The Office Action states that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not, in fact, been patented. The Office Action further states that a timely filed terminal disclaimer in compliance with 37 CFR §§1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting applications are commonly owned. Applicants state that the instant application and co-pending Application No. 10/493,877 are commonly owned.

Applicants respectfully traverse the provisional rejection of claims 3-5 and 17-24 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10-22 and 24-30 of co-pending Application No. 10/493,877, and request

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reconsideration and withdraw of the provisional double patenting rejection for the reasons presented below.

An Amendment was filed already in the corresponding junior application (co-pending Application No. 10/493,877), which renders the subject matter thereof, distinct from the subject matter of the claims pending in the present case. As such, Applicants trust that this case should be allowed without the filing of any terminal disclaimer. For the convenience of the Examiner, a copy of the Amendment filed in co-pending Application No. 10/493,877 is attached hereto and identified as Exhibit Amendment. Independent claim 24, on which claims 10-22 and 25-33 are dependent, relates to, among other things, a container having an instilling portion having a step and relates to a cap having the interior body configured to engage the step to provide a seal. These features are not recited in any of the claims 3-5 and 17-24 of the instant application. Further, in the instant application, independent claim 17 recites that a predetermined pressure to the body portion moves a predetermined amount of fluid through the instilling hole. This feature is not recited in the claims of the co-pending application.

In addition to the claimed subject matter of the instant application and co-pending Application No. 10/493,877 being patentably distinct, filing a terminal disclaimer in the instant application will not reduce the term of a patent issuing on the instant application. As is appreciated, reduction of the patent term is one reason for a terminal disclaimer. In the present case, the instant application was filed November 8, 2002, and co-pending Application No. 10/493,877 was filed April 28, 2004. The expected termination date of the instant application is November 8, 2022, and the expected termination date of co-pending Application No. 10/493,877 is April 28, 2024. Based on the file history of the applications, it does not appear that additional time will be added to the expiration date of either patent for prosecution delays and, therefore, the instant application will expire before co-pending Application No. 10/493,877.

Further, as discussed during the telephone interview, the first paragraph in Section 1 on page 800-17 Rev. 5, Aug. 2006 of the M.P.E.P. states that if a "provisional"

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nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier-filed of two pending applications, while the later-filed application is rejected on other grounds, the Examiner should withdrawal the rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejected on other grounds, a terminal disclaimer must be required in the later-filed application before the rejection can be withdrawn. From the above it is appreciated that the terminal disclaimer is required for a later-filed application and not the earlier-filed application. As of the filing date of this Amendment, no double patenting rejection has been received in co-pending application No. 10/493,877.

Based on the forgoing, Applicants respectfully request withdrawal of the provisional rejection of claims 3-5 and 17-24 on the ground of nonstatutory obviousness-type double patenting, and request allowance of claims 3-5 and 17-24.

This Amendment represents a sincere effort to place this application in condition for allowance. In the event, the issue of double patenting remains, the Examiner is invited to call the undersigned to resolve the issue before further action is taken on the application.

Respectfully submitted,

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EXHIBIT AMENDMENT

Application No. No. 10/493,877
Paper Dated November 16, 2006
Reply to USPTO Correspondence dated July 18, 2006
Attorney Docket No. 388-043944

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/493,877 Confirmation No. 1080
Applicants : Yukio Kusu et al.
Filed : April 28, 2004
Title : INSTILLATION CONTAINER WITH LEVEL-DIFFERENCE
PORTION
Group Art Unit : 3761
Examiner : Laura C. Hill
Customer No. : 28289

MAIL STOP AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

Please find enclosed with this correspondence, a Petition for Extension of Time for a period of one month, extending the time in which a response is due to the outstanding Office Action until November 18, 2006.

In response to the non-final Office Action dated July 18, 2006, Applicants submit the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper

Remarks begin on page 8 of this paper.

I hereby certify that this correspondence is being electronically filed with the USPTO, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 16, 2006.

11/16/2006

Date

Christine A. Canavan

Signature

Christine A. Canavan

Typed Name of Person Filing Amendment

{W0314847.1}

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Please amend claims 10, 13, 14, 16, 19-22 and 24-30, and add new claims 31- 33 as follows.

Listing of Claims

1-9. (Cancelled)

10. (Currently Amended) The eyedropper according to claim 24, wherein the container ~~is and the instilling segment are~~ made of a plastic material, the cap has internal threads and the cap can be screwed onto the container has external threads adjacent the open end of the container; the outer surface of the first tubular portion is a an outer convex guide portion surface to guide the cap when the cap is mounted ~~on the container~~ over the instilling segment; the second tabular portion has an external, generally conical convex surface that tapers to the exterior opening; and the third tubular portion has an internal, generally conical concave portion that tapers to the interior opening.

11. (Previously Presented) The eyedropper according to claim 24, wherein a distance from the exterior opening to the step portion of the instilling portion of the container is in a range of 0.2 to 1.2 mm, and the step portion has a step difference in a range of 0.2 to 0.4 mm.

12. (Previously Presented) The eyedropper according to claim 10, wherein a distance from the exterior opening to the step portion of the instilling portion of the container is in a range of 0.2 to 1.2 mm, and the step portion has a step difference in a range of 0.2 to 0.4 mm.

13. (Currently Amended) The eyedropper according to claim 24, wherein the container ~~is filled in a sealed state with~~ has fluid, simultaneously to being molded the instilling segment is uncovered and at least one of the exterior and interior openings of the instilling segment has a seal having a seamless connection with the at least one of the exterior and interior openings.

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14. (Currently Amended) The eyedropper according to claim 10, wherein the container is ~~filled in a sealed state with~~ has fluid, simultaneously to being molded the instilling segment is uncovered and at least one of the exterior and interior openings of the instilling segment has a seal having a seamless connection with the at least one of the exterior and interior openings.

15. (Previously Presented) The eyedropper according to claim 24, wherein a depth of the third tubular portion is in a range of 2 to 7 mm.

16. (Currently Amended) The eyedropper according to claim 10, wherein a depth of the third tubular ~~concave~~ portion is in a range of 2 to 7 mm.

17. (Previously Presented) The eyedropper according to claim 24, wherein the exterior opening has a diameter in the range of 2 to 4 mm.

18. (Previously Presented) The eyedropper according to claim 10, wherein the exterior opening has a diameter in the range of 2 to 4 mm.

19. (Currently Amended) The eyedropper according to claim 24, wherein the ~~tubular body of the container~~ comprises opposing indented portions.

20. (Currently Amended) The eyedropper according to claim 10, wherein the ~~tubular body of the container~~ comprises opposing indented portions.

21. (Currently Amended) The eyedropper according to claim 24, wherein the container is ~~and instilling segment are~~ made of a thermoplastic material and the cap is screwed onto the instilling portion of the container and the step portion is formed by the second tubular portion segment when the first and second tubular portions are in a condition in which the thermoplastic material has plasticity to form the step.

22. (Currently Amended) The eyedropper according to claim 10, wherein the plastic material is a thermoplastic material and the cap is screwed onto the instilling ~~portion~~ segment of the container and the step portion is formed by the second tubular portion in a condition in which the thermoplastic material has plasticity.

23. (Canceled)

24. (Currently Amended) An eyedropper, comprising:
a container, ~~comprising:~~
~~a tubular body having a closed end and an opposite open end; and~~
~~an instilling portion having segment connected to the open end of the~~
~~container, the instilling segment comprising:~~

~~a first tubular portion interconnecting the tubular body open end of the container to an inward a step portion on outer surface of the instilling segment, a second tubular portion interconnecting the step portion to a third tubular portion, wherein the juncture of the second and the third tubular portions to provide an exterior opening, the third tubular portion extending away from the exterior opening into the first tubular portion with end of the third tubular portion spaced from the exterior opening providing an interior opening, wherein the third tubular portion provides a fluid passageway from interior of the container to exterior of the container when the exterior and interior openings are open in the first tubular portion providing an interior opening with fluid communication to interior of the tubular body, wherein perimeter of the first tubular portion is greater than perimeter of the second tubular portion, interior of the third tubular portion providing a fluid passageway from interior of the tubular body to exterior of the tubular body when the exterior and interior openings are open, and the passageway having increasing diameter as the distance from the interior opening increases; and~~

~~a cap, comprising:~~

~~a body having a closed end and an opposite open end, the interior of the body of the cap sized for the open end and body of the cap to move over the instilling segment portion of the container, and interior surface of the cap configured to provide a convex guide portion extending toward the open end of the cap and circumscribing internal portions of the cap, wherein such that, with the cap over the instilling portion segment the internal portions~~
(W0314847.1)

of the cap are in sealing communication with the external exterior opening to provide a first seal, and over ~~outer surface of the second tubular portion and outer surface of the step portion~~ to provide a second seal, and the convex guide portion contacts outer surface of the first tubular portion to guide the cap over the instilling segment.

25. (Currently Amended) The eyedropper according to claim 24, wherein connection of the first tubular portion of the instilling ~~portion-segment~~ and the ~~tubular body open end of the container~~ is a seamless connection and outer diameter of the first tubular portion of the instilling portion decreases as the distance from the step ~~portion~~ decreases, and outer diameter of the second tubular portion is substantially constant.

26. (Currently Amended) The eyedropper according to claim 24, wherein the ~~tubular body container~~ has a first body ~~portion-section~~ having a predetermined outer diameter and a second body ~~portion-section~~ having a predetermined outer diameter with the diameter of the first body ~~portion-section~~ greater than the diameter of the second body ~~portion-section~~, and a shoulder portion interconnecting the first and second body ~~portions-sections~~ of the ~~tubular body container~~.

27. (Currently Amended) The eyedropper according to claim 26, wherein the connection of the first tubular portion of the instilling ~~portion-segment~~ and the ~~tubular body container~~ is a connection between the second body ~~portion-section~~ of the ~~tubular body container~~, and the first tubular portion of the instilling ~~portion-segment~~ and the connection is a seamless connection.

28. (Currently Amended) The eyedropper according to claim 26, wherein end portion of the first tubular portion of the instilling ~~portion-segment~~ spaced from the exterior opening of the instilling ~~portion-segment~~ is sized to move into the open end of the second body portion of the tubular body container and has an external rim to engage the open end of the ~~second tubular body container~~ to limit movement of the first tubular portion of the instilling ~~portion-segment~~ into the ~~body portion open end~~ of the container.

29. (Currently Amended) The eyedropper according to claim 26, wherein the ~~tubular body container~~ further comprises external threads on second body ~~portion-section~~ of the ~~tubular body container~~ adjacent the shoulder, and the cap further comprises internal threads on internal surface of the body of the cap, and wherein, with the internal and external threads fully engaged, the first and second seals are established and maintained.

30. (Currently Amended) The eyedropper according to claim 29, wherein outer diameter of the first tubular portion of the instilling ~~portion-segment~~ decreases as the distance from the ~~body portion-open end of the container~~ increases; outer diameter of the second tubular portion is substantially constant, and connection of the first tubular portion of the instilling portion and the ~~tubular body-open end of the container~~ is selected from one of the following connections:

the connection is between the second body ~~portion-section~~ of the ~~tubular body container~~ and the first tubular portion of the instilling ~~portion-segment~~, and the connection is a seamless connection; and

end portion of the first tubular portion of the instilling ~~portion-segment~~ spaced from the exterior opening of the instilling ~~portion-segment~~ is sized to move into open end of the second body ~~portion-the tubular body-section of the container~~ and has an external rim to engage the open end ~~of the container~~ to limit movement of the first tubular portion of the instilling ~~portion-segment~~ into the ~~body portion-open end~~ of the container.

31. (New) The eyedropper according to claim 24, wherein the first seal comprises the cap having a conical-shaped member sized to extend into the third tubular portion and extend beyond the interior opening of the instilling segment.

32 (New) The eyedropper according to claim 24, wherein the first tubular portion of the instilling segment has an outer surface, an opposite inner surface and an open end connected to the open end of the container, and the third tubular portion has a first surface facing and spaced from the inner surface of the first tubular portion and an opposite second surface providing the fluid passageway between the exterior and interior openings.

Application No. No. 10/493,877
Paper Dated November 16, 2006
Reply to USPTO Correspondence dated July 18, 2006
Attorney Docket No. 388-043944

33. (New) The eyedropper according to claim 24, wherein outer perimeter of the first tubular portion is greater than outer perimeter of the second tubular portion, and the interior perimeter of the third tubular portion has an increasing diameter as the distance from the interior opening increases.

REMARKS

Applicants thank Examiner Hill for the courtesies extended to the undersigned attorney during the telephone conversation of August 9, 2006. The telephone call was initiated by the undersigned to clarify the notations on Fig. 3 on page 4 of the Office Action, which shows two "1st tubular portions." Examiner Hill indicated that the tubular portion adjacent the 1st seal was incorrectly marked and should have been marked the "3rd tubular portion."

Applicants also thank Examiner Hill for the courtesies extended to the undersigned during the telephone interview of October 12, 2006, at which time the Amendment prepared by the undersigned and faxed to Examiner Hill was discussed. A summary of the interview is found in the Interview Summary mailed October 16, 2006 and is supplemental in the following discussion.

United States Patent Application Serial No. 10/049,733, filed November 8, 2002, titled "Open Instillation Container and Method of Manufacturing the Container" is assigned to Santen Pharmaceutical Co., LTD, assignee of the instant application and is presently pending in the United States Patent and Trademark Office. Examiner Mohandesi, presently assigned United States Patent Application 10/049,733, during a telephone interview, advised the undersigned to notify Examiner Hill, presently assigned the above-identified application, that the claims of United States Patent Application No. 10/049,733 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 10-22 and 24-30 of the instant application.

Claims 10-22 and 24-30 are in the instant application. Applicants note that the Office Action states that claims 10-30 are in the application. No claims are allowed or indicated allowable. Claims 10, 13, 14, 16, 19-22 and 24-30 are amended to more positively recite the invention. New claims 31-33, dependent on claim 24, are added to set forth Applicants' patentably novel eyedropper in varying scope.

Claims 24-30, 10, 13-14 and 19-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Yang, United States Patent No. 6,334,557 (hereinafter also referred to as {W0314847.1})

"Yang"). Applicants respectfully traverse the rejection of claims 24-30, 10, 13-14 and 19-22 under 35 U.S.C. §102(e) as being anticipated by Yang. However, to eliminate this issue, claims 24-30, 10, 13-14 and 19-22 are amended to more positively recite Applicants' patentably novel eyedropper. More particularly, claim 24 on which claims 10, 13, 14, 19-22 and 25-30 are dependent, is amended to recite an eyedropper having, among other things:

a container having a closed end and an opposite open end;

an instilling segment connected to the open end of the container, the instilling segment having, among other things:

a first tubular portion interconnecting the open end of the container to a step on outer surface of the instilling segment, a second tubular portion interconnecting the step to a third tubular portion, wherein the juncture of the first and the second tubular portions provide an exterior opening, the third tubular portion extending away from the exterior opening into the first tubular portion with end of the third tubular portion spaced from the exterior opening providing an interior opening, wherein the third tubular portion provides a fluid passageway from interior of the container to exterior of the container when the exterior and interior openings are open; and

a cap, having among other things:

a body having a closed end and an opposite open end, the interior of the body of the cap sized for the open end and body of the cap to move over the instilling segment, and interior surface of the cap configured to provide a convex guide portion extending toward the open end of the cap and circumscribing internal portions of the cap, wherein with the cap over the instilling segment the internal portions of the cap are in sealing communication with the exterior opening to provide a first seal, and over the step to provide a second seal, and the convex guide portion contacts outer surface of the first tubular portion to guide the cap over the instilling segment.

Support for the amendments to claims 10, 13, 14, 19-22 and 24-30, and for new claims 31-33 is found, among other places, in the claims presently pending in the application, on page 10, line 26 to page 11, line 7 of the specification and in the drawings, e.g. Figs. 3 and 7. More particularly, in Fig. 3, the convex guide portion is shown engaging

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the first tubular portion 6 between the threads and step portion 8a (also see Fig. 2), and in Fig. 7, the convex guide portion engages the tubular portion 11 between the threads and the step portion. It is noted that the Interview Summary references Fig. 7 and identifies the tubular portion 11 as the second tubular portion, whereas claim 24 references to it as the first tubular portion. Based on the foregoing, Applicants respectfully request admittance of the amendments to claims 10, 13, 14, 19-22 and 24-30 and consideration thereof.

Applicants respectfully submit that Yang does not anticipate claim 24. More particularly, claim 24 recites, among other things, that the cap has a convex guide portion contacting the outer surface of a tubular portion, e.g. the tubular portion 6 in Figs. 2 and 3 and tubular portion 11 in Fig. 7, to guide the cap over the instilling segment. This feature is not shown in Yang. Further, claim 24 recites that a third tubular portion of the instilling segment extends from the exterior opening formed by the juncture of the second and third tubular portions into the first tubular portion; that the first tubular portion interconnects the opening of the container to a step on the outer surface of the instilling segment, and that the second tubular portion interconnects the step to the exterior opening. There is no disclosure in Yang of a third tubular portion of the instilling segment extending into the first tubular portion; there is no disclosure in Yang of a first tubular portion interconnecting the open end of the bottle 1 to a step formed on the outer surface of the opening/instilling portion 13 (see Fig. 3 of Yang), and there is no disclosure in Yang of internal portions of a cap moving over the step on the outer surface of the instilling segment to form a seal.

Applicants note that in Fig. 3 on page 4 of the Office Action, the stepped portion is formed in the body of the bottle 1 of Yang, whereas Applicants' claim 24 recites that the step 8A is present in the instilling segment 6 between the first tubular portion and second tubular portion (see attached Exhibit, which is marked up Fig. 1 of the instant application).

Regarding claims 13 and 14, the Office Action alleges that Yang discloses the nozzle is injection molded from plastic (column 2, lines 14-15) and that the method of forming the device (i.e. container filled simultaneously to being molded) is not germane to the issue of patentability of the device itself and, thus, is given little patentable weight.

Applicants respectfully disagree with the Office Action that the method of forming the device (i.e. container filled simultaneously to being molded) is not germane to the issue of patentability; however to eliminate this issue, claims 13 and 14 are amended to more structurally set forth Applicants' patentably novel eyedropper. More particularly, claims 13 and 14 are each amended to recite, among other things, that the container has fluid, the instilling segment is uncovered and at least one of the exterior and interior openings of the instilling segment has a seal having a seamless connection with the at least one of the exterior and interior openings.

Support for the amendments to claims 13 and 14 is found, among other places, in originally filed claims 13 and 14 and in the disclosure which recites, among other things, that the container is filled with fluid, before the instilling portion formed (see page 13, lines 23-27 of the specification). Based on the forgoing, Applicants respectfully request admission of the amendments, and consideration of, amended claims 13 and 14.

Applicants respectfully submit that there is no disclosure in Yang of a container having fluid and a seamless seal over at least one of the openings of the instilling segment.

Based on the forgoing, Applicants respectfully request withdrawal of the rejection of claims 24-30, 10, 13-14 and 19-22 under 35 U.S.C. §102(e) as being anticipated by Yang.

Claim 24 is rejected under 35 U.S.C. §102(e) as being anticipated by Hubschman, United States Patent No. 2,249,832 (hereinafter also referred to as "Hubschman"). Applicants respectfully traverse the rejection of claim 24 under 35 U.S.C. §102(b) as being anticipated by Hubschman and request reconsideration thereof.

Amended claim 24 was discussed above.

Claim 24 recites, among other things, an instilling segment having an exterior opening formed by the juncture of a second tubular portion and a third tubular portion with the third tubular portion extending into a first tubular portion. The exterior opening moves fluid out of the container. There is no disclosure in Hubschman of a third tubular portion extending from an exterior opening into the first tubular portion. Further, claim 24 recites, among other things, a cap having a convex guide portion contacting the outer surface of the first tubular portion to guide the cap over the instilling segment. This feature is not shown in Hubschman.

Based on the forgoing, Applicants respectfully request withdrawal of the rejection of claim 24 under 35 U.S.C. §102(b) as being anticipated by Hubschman.

Claims 11-12 and 15-16 are rejected under 35 U.S.C. §102(a) as being unpatentable over Yang. The Office Action states that Yang does not expressly disclose distance values from the opening to the step portion and/or the depth of the third tubular portion and alleges that one would be motivated to modify the values of Yang to provide the optimum droplet dispensing performance based on the flow characteristics of the desirable drops used in the container. The Office Action concludes by alleging that it would be obvious to one of ordinary skill in the art at the time the invention was made, to modify Yang with the distance and depth values.

Applicants respectfully traverse the rejection of claims 11-12 and 13-14 under 35 U.S.C. §103(a) as being unpatentable over Yang. Claim 16 is amended to be consistent with amended claim 24 on which it is indirectly dependent. Support for the amendment to claim 16 is found, among other places, in the pending claims. Based on the forgoing, Applicants respectfully request admittance of the amendment to claim 16 and consideration of claims 11-12 and 15-16.

Claims 11-12 and 15-16 are directly or indirectly dependent on claim 24. Claim 24 and Yang were discussed above.

Applicants have shown above that Yang does not disclose the patentably novel eyedropper recited in claim 24. More particularly, Yang does not disclose a third tubular portion that extends from the exterior opening (juncture of the second and third tubular portions) into the first tubular portion (the first tubular portion connecting the opening of the container to the step). Claims 11-12 recite, among other things, the length of the second tubular portion, and claims 15-16 recite, among other things, the length of the third tubular portion. Since Yang does not disclose the features of the third tubular portion extending into the first tubular portion, Yang can not teach one skilled in the art the criticality of such dimensions. More particularly, the third tubular portion is longer than the second tubular portion.

Applicants acknowledge that claims 11-12 and 15-16 do not have dependence on one another, but the claims each depend from claim 24. Nevertheless, by reciting in claim 24 that the third tubular portion extends into the first tubular portion, the depth of the third tubular portion recited in claims 15-16 provides a maximum length for the second tubular portion, and reciting the distance from the opening to the step, e.g. the length of the second tubular portion, in claims 11-12 provides a minimum length for the third tubular portion.

Based on the forgoing, Applicants respectfully request withdrawal of the rejection of claims 11-12 and 13-14 under 35 U.S.C. §103(a) as being unpatentable over Yang.

Claims 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yang in view of Bunin EP 0362911 (hereinafter also referred to as "Bunin").

Applicants respectfully traverse the rejection of claims 17-18 under 35 U.S.C. §103(a) as being unpatentable over Yang, in view of Bunin, and request reconsideration thereof.

Claims 17 and 18 depend from claim 24. Claim 24 and Yang were discussed above, where it was shown that Yang does not teach the patentably novel features recited in claim 24. Bunin does not cure the defects of Yang. More particularly, Bunin does not

{W0314847.1}

Application No. No. 10/493,877
Paper Dated November 16, 2006
Reply to USPTO Correspondence dated July 18, 2006
Attorney Docket No. 388-043944

disclose a third tubular portion extending from an opening into the first tubular portion. Since neither Yang nor Bunin disclose the patentably novel instilling segment recited in claims 24 and 17-18, they cannot alone or in combination teach one skilled in the art to optimize dimensions for the exterior opening of the instilling segment.

Based on the forgoing, Applicants respectfully request withdrawal of the rejection of claims 17-18 under 35 U.S.C. §103(a) as being unpatentable over Yang in view of Bunin, and request allowance of claims 10-22 and 24-30.

Claims 31-33, added by this Amendment, each depend from claim 24. Support for claim 31-33 is found, among other places, in the pending claims and the drawings. The arguments put forth to patentably distinguish claim 24 over the art of record are applicable, among others, to patentably distinguish claims 31-33 over similar art.

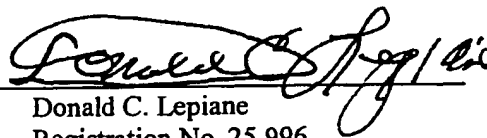
Based on the forgoing, Applicants respectfully request admission, consideration and allowance of claims 31-33.

This Amendment is a sincere effort to place this application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned before further action is taken on the case.

Respectfully submitted,

THE WEBB LAW FIRM

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Exhibit

FIG. 1

COPY

